

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

-----  
ESTATE OF ROGER D. :  
OWENSBY JR., et al., :  
:  
Plaintiffs, :  
vs. : Case No. 01-CV-769  
: (Judge S. A. Spiegel)  
CITY OF CINCINNATI, :  
et al., :  
:  
Defendants. :  
-----

Deposition of CRAIG RICHARD COBURN, a  
witness herein, called by the plaintiffs for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Wendy Davies  
Welsh, a Registered Diplomate Reporter and Notary  
Public in and for the State of Ohio, at the offices  
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &  
Walnut Centre, 105 East Fourth Street, Cincinnati,  
Ohio, on Monday, December 15, 2003, at 10:01 a.m.

1 APPEARANCES:	Page 2	1 STIPULATIONS	Page 4
2 On behalf of the Plaintiffs:		2 It is stipulated by and among counsel for the	
3 Paul B. Martins, Esq. Heimer, Martins & Morgan Co. LPA Suite 1900, Fourth & Walnut Centre 105 East Fourth Street Cincinnati, Ohio 45202 Phone: (513) 421-2400		3 respective parties that the deposition of CRAIG	
4		4 RICHARD COBURN, a witness herein, called by the	
5		5 plaintiff for cross-examination, pursuant to the	
6		6 Federal Rules of Civil Procedure, may be taken at	
7		7 this time by the notary; that said deposition may be	
8		8 reduced to writing in stenotype by the notary, whose	
9		9 notes may then be transcribed out of the presence of	
10		10 the witness; and that proof of the official	
11		11 character and qualifications of the notary is	
12		12 expressly waived.	
13		13 - - -	
14		14	
15 On behalf of the Defendants City of Golf Manor, Stephen Tilley, Roby Heiland and Chris Campbell:	15		
16	16		
17 Geri Hernandez Geiler, Esq. Assistant City Solicitor Department of Law Room 214, City Hall 801 Plum Street Cincinnati, Ohio 45202 Phone: (513) 352-3346	17		
18	18		
19	19		
20	20		
21	21		
22	22		
23	23		
24	24		
1 APPEARANCES (Continued):	Page 3	1 I N D E X	Page 5
2 On behalf of the Defendants Robert B. Jorg, Patrick Caton, Jason Hodge, Victor Spellen and Darren Sellers:		2 Examination by: Page	
3		3 Mr. Martins . . . . . 6	
4 Donald E. Hardin, Esq. Hardin, Lefton, Lazarus & Marks, LLC 915 Cincinnati Club Building 30 Garfield Place Cincinnati, Ohio 45202 Phone: (513) 721-7300		4 - - -	
5		5	
6		6 E X H I B I T S	
7		7 Plaintiff's Exhibits 98 & 99 . . . . . 8	
8		8 Plaintiff's Exhibit 100 . . . . . 48	
9		9 - - -	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	

1    20 weeks. 2    Q. I want to ask you, some of the police 3    officers that were on the scene on November 7th when 4    you got there, I want to run through some of the 5    names with you and ask you whether or not you know 6    these officers. 7    A. Okay. 8    Q. First one is officer Robert Blaine Jorg? 9    A. No, sir, I do not know him. 10   Q. Patrick Caton? 11   A. No, sir, I do not know him. 12   Q. David Hunter? 13   A. No, sir. 14   Q. Jason Hodge? 15   A. No, sir. 16   Q. David Sellers? 17   A. No, sir. 18   Q. Okay. On November 7th it's my 19   understanding that at approximately 8:00 you arrived 20   at the Sunoco station at the corner of Seymour 21   Avenue and Langdon Farm Road; is that right? 22   A. Yeah. According to the run report here 23   our arrival was eight minutes after 8:00. 24   Q. 2008 is how it's indicated?	Page 14  1    Q. Based on your recollection, from the time 2    that you received notice of a need to go to this 3    location, how long did it take to get there? 4    A. According to the run report, which is 5    taken off of our computer system with the 6    dispatcher, it was approximately eight minutes. 7    Q. By run report, you're referring to 8    Exhibit 99, right? 9    A. Yes, sir. 10   Q. Let's take a look at this. At the top 11   block it says 11-7-00. 12   A. Yes, sir. 13   Q. Unit shift: 3. And then across from that 14   it says Company #, and there's 8/2, and then R46. I 15   think that would be Rescue 46. What does the 8/2 16   mean? 17   A. That block is where the first responding 18   engine company puts their number. There were two 19   engine companies on the scene that evening. It was 20   Engine 8 and Engine 2. 21   Q. Did they also come from the 22   Eric/Michigan/Hyde Park -- 23   A. No, sir. Engine Company 8 is located at 24   Montgomery and Langdon Farm Roads, and Engine 2 is
1    A. Yes, sir. 2    Q. Do you recall how you received 3    notification to go to that scene? 4    A. Yes, sir. From what I recall in reading 5    this, I remember it was the election night. And I 6    don't know what we were doing around the firehouse, 7    but one of the -- either I heard it or one of the 8    other firefighters had heard the call come in on the 9    radio that one of the engine companies was 10   requesting a rescue unit up on Langdon Farm. 11   So we knew that that was our first due 12   area as a rescue unit. And then one -- probably 30 13   seconds later our Zetron went off, which is the 14   notification system in the fire station to dispatch 15   us on a run. 16   Q. Where is your fire station in relation to 17   Langdon Farm and Seymour? 18   A. Rescue 46 is located at the corner of Eric 19   and Michigan, in Hyde Park. 20   Q. Is there an engine company associated with 21   this location at Eric and Michigan, in Hyde Park? 22   A. Yes, sir, Engine Company 46. 23   Q. So Rescue 46 and Engine Company 46? 24   A. Yes, sir.	Page 15  1    located at Seymour and Vine. 2    Q. Then under that, the second line begins, 3    Incident No., and there's a number 179 there. Is 4    that just, to your knowledge, issued on a sequence? 5    A. Yes, sir. Every night at midnight the 6    runs start over again at zero. So that was the 7    179th run for that day starting between midnight -- 8    starting at midnight on the 7th. 9    Q. This would be for citywide for the city of 10   Cincinnati? 11   A. Yes, sir. 12   Q. Then there's an F -- it looks like an FDZ? 13   A. Yes, sir. 14   Q. What is that? 15   A. That's referred to as the fire demand 16   zone. I'm not exactly sure of its purpose, but 17   what I've been told is that it tracks the runs in 18   certain areas. Each street, area of the city, is 19   issued a fire demand zone. And that comes up -- we 20   obtain that from the dispatch, the computer-aided 21   dispatch. 22   Q. Next to that is a block called, it looks 23   like Call Received? 24   A. Yes, sir.

1     Q. There's 1956 hours and then 2000 hours. 2 <b>Do you know what that means?</b> 3     A. Yes, sir. The first engine company was 4 dispatched at 1956 and Rescue 46 was dispatched at 5 2000 hours. 6     Q. So I read from the top above that, Engine 7 8 and 2 were dispatched at 1956? 8     A. Actually, I believe it was just Engine 9 Company 8 that was dispatched. Engine Company 2 10 apparently heard the run. And a lot of times, not 11 just in this case, but on a daily basis when it 12 sounds like people need help or they need an extra 13 set of hands, companies take it upon themselves to 14 kind of mosey or go on over that way and assist 15 whoever needs help. 16    Q. So Rescuc 46 received the call at 8:00, 17 2000 hours, and then On Scene, Engine 2 arrives at 18 2000 hours and Rescuc 46 arrives at 2008. Am I 19 reading that correctly? 20    A. Yes, sir. 21    Q. When you arrived on the scene in Rescuc 22 46, can you describe for me what you saw. 23    A. I could probably review this a little bit, 24 but --	Page 18 1 and also for the hospital. The doctors there 2 usually like to know what happened. 3     Q. Did someone tell you that Mr. Owensby was 4 in cardiac arrest? 5     A. Well, when we walked up he was being 6 intubated and some of the firefighters were doing 7 CPR, so that's definitely an indication that 8 somebody's in cardiac arrest. 9     Q. Could you tell when you walked up whether 10 or not he was handcuffed? 11    A. No, sir. I do not recall. I don't know 12 if it's in here or not. 13    Q. So what happens next? 14    A. Basically, from reading this and what I 15 can recall, we kind of stood back, and there were 16 already a couple paramedics on the scene, and they 17 were on the engine companies and they are providing 18 the ALS care. From what I recall, my partner and I 19 just kind of assisted them, getting them the drugs 20 out of the drug box and assisting them with that. 21 And then we moved the patient onto the cot and 22 transported to the hospital. 23    Q. Who rode in the back of the rescue unit 24 with the patient?
1     Q. For the record, you're looking at 2 Exhibit 98? 3     A. Yes, sir. 4     Q. All right. 5     A. Yeah. From what I recall there are two 6 engine companies on the scene, which is Engine 7 Company 8 and Engine Company 2. I believe we parked 8 our ambulance -- I get the streets mixed up up 9 there. We didn't pull into the lot. We just parked 10 out onto the street. And then we took the cot out 11 of the back of our ambulance and we walked up to the 12 scene. And there was a paramedic that was 13 intubating the patient. 14    Q. Who was that paramedic? 15    A. It says here that it was Ron Killion. 16    Q. Do you know Mr. Killion? 17    A. Yes. 18    Q. Did anyone attempt to fill you in on the 19 status of the patient? 20    A. I don't really recall. Normally we try to 21 find out what exactly happened or the events leading 22 up to why a person went into cardiac arrest. On any 23 run we try to figure out what happened prior to that 24 just so we know what our course of action would be,	Page 19 Page 20 1 A. It was myself and paramedic Greg Presuteo. 2 Q. Anyone else? 3 A. No, sir. 4 Q. When you got on the scene -- well, let me 5 ask you this: I take it you have experience with 6 administering to people in cardiac arrest before 7 this time? 8 A. Yes, sir. 9 Q. Based on your training and your 10 experience, is it your understanding that if someone 11 goes into cardiac arrest that providing prompt 12 medical assistance, whether it be CPR or other 13 medical assistance, is critical? 14 A. Yes, sir. 15 Q. That time is of the essence? 16 A. Yes, sir. 17 Q. In looking at Exhibit 99, you have 18 information on here describing the treatment given 19 for the patient. And you also have information at 20 the top of the page concerning the background 21 information, that it was Roger Owensby Junior, his 22 age, his address, and the like. Do you see that? 23 A. Yes, sir. 24 Q. Where did you get this?



	Page 50		Page 52
1	A. No, sir.		
2	Q. Do you know who Dr. Schultz is, Daniel		
3	Schultz, deputy coroner?		
4	A. No, sir.		
5	Q. So I take it you wouldn't know if he		
6	arrived on the scene while you were there?		
7	A. No, I would not know that.		
8	Q. I take it you do not recall whether		
9	anyone, other than this police officer identified on		
10	page 3 of Exhibit 98, were ever with the body of Mr.		
11	Owensby, obviously, other than you?		
12	A. Yeah. I don't know.		
13	Q. Have you performed CPR on individuals?		
14	A. Yes, sir.		
15	Q. Based on your experience and training on		
16	performing CPR, should the individual be laying flat		
17	on the ground?		
18	A. Yes, sir.		
19	Q. That's so that you have an area to push on		
20	the chest?		
21	A. Yes, sir. Specifically, the upper half of		
22	the chest should be on a flat surface.		
23	MR. MARTINS: Let's take a short break.		
24	(Recess taken: 11:07 a.m. - 11:11 a.m.)		
	Page 51		Page 53
1	BY MR. MARTINS:		
2	Q. Do you happen to know any of the personnel		
3	that were on the scene at Seymour Avenue and Langdon		
4	Farm from Engine 8?		
5	A. From what I recall, Greg Phelia was there.		
6	I know who the guys on Engine 8 were, but I can't		
7	say exactly who -- I just don't remember exactly who		
8	was there that night.		
9	Q. Mr. Phelia was doing what?		
10	A. When we arrived he was attempting to start		
11	the IV.		
12	Q. Other than Mr. Phelia, I take it you can't		
13	recall the identities of any of the Engine 8		
14	personnel?		
15	A. No, sir, not offhand.		
16	Q. What about Engine 2, can you identify any		
17	Engine 2 personnel?		
18	A. Yeah. Engine 2, it was Ron Killion, and I		
19	remember Leah Weddle. I don't remember who the		
20	other two personnel were that were there.		
21	Q. How do you spell that?		
22	A. Leah is L-E-A-H. And her last name is		
23	W-E-D-D-L-E.		
24	Q. Is Leah Weddle a paramedic?		